

**Daniel Town Council Meeting
Monday, April 7, 2014 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT**

Quorum present: Council members Eric Bunker, John Glodowski, Kasey Bateman, Jonathan Blotter were present at 6:00 PM when Mayor Chip Turner called the meeting to order. Recorder Lynne Shindurling was present to record the minutes.

Members of the public in attendance: Dale Gardiner, Gary Walton, Merry Duggin, Hugh Barker, Larry Ward, Grant Casper, Doug Crittenden, J.R. Coleman, Pam Skinner, Roger Pearson, Kevan and Sherri Nilsson, Chris Anderson, Ryan Taylor, Sherri Price.

As Mayor Turner called the meeting to order, he stated since Daniel Municipal Water issues were not listed on the agenda, he wanted to address that prior to item No. 5, and public comment not on the agenda to be afforded to citizens in attendance following item No. 5.

1) CLOSED SESSION FOR DISCUSSION OF REASONABLY PENDING LITIGATION

Mayor Turner asked those citizens in attendance not part of the Daniel Water Irrigation Board or serving the Town of Daniel in an official capacity to leave at this time. Those members of the public as listed above who left at this time were Kevan and Sherri Nilsson and Roger Pearson. Council member Bunker also recused himself stating he may have a conflict of interest. The rest of the Council remained intact.

Council member Blotter moved to go into closed session to discuss reasonably pending litigation. The motion was seconded by Council member Glodowski. The motion passed by the following vote: Bateman, aye; Blotter, aye; Glodowski, aye, Turner, aye. The council went into closed session.

Council member Blotter moved to come out of closed session. Council member Glodowski seconded the motion, and aye votes were received from Council members Glodowski, Blotter, Bateman, and Turner. Council member Blotter then moved to go back into open public meeting, seconded by Council

member Bateman. The motion passed by the following vote: Turner, aye; Glodowski, aye, Blotter, aye, and Bateman, aye. The open session resumed at 7:08 PM. Council member Bunker returned to the meeting, as did Kevan and Sherri Nilsson, Roger Pearson, and Lambert Deegan.

2) BUSINESS LICENSE APPLICANTS

Planning Commission Director Bunker reported he had received seven renewal applications, and licenses will be issued to BCMI Electric, CCH20, Tee J's Mutt Cutts, Q Boys Automotive, Phil's TV & Appliance, Timberline Lumber, and Little Lady Lingerie. New Leaf Art Studio also submitted paperwork for renewal, but a license has not yet been prepared.

3) APPROVAL OF MINUTES OF MARCH 3, 2014 MEETING

Council member Glodowski moved to approve the minutes as written of March 3, 2014. The motion was seconded by Council member Bateman, with aye votes received from Bateman, Glodowski, Blotter, and Turner. Council member Bunker abstained. The minutes were approved.

4) PLANNING DEPARTMENT REPORT

a) UPDATE ON NEEDED EQUIPMENT

Council member Bunker presented three bids to the Council he had received to purchase a new computer. They're all comparable and he has elected to get an HP from Walmart for a price of approximately \$590.00. ***Council member Blotter moved to allow Mr. Bunker to purchase the computer, seconded by Council member Glodowski. The motion passed by the following vote: Glodowski, aye; Blotter, aye; Bateman, aye; and Mayor Turner, aye; with an abstention from Mr. Bunker.***

Mr. Bunker then presented materials on methods to burn CDs when the Town receives requests for recordings of meetings. He feels this can be looked at in the future, with a possible expense by the Planning Commission to purchase a program or machine to accomplish same.

b) DISCUSSION TO DETERMINE LOT STATUS ON PROPERTY OWNED BY KEVAN NILSSON LOCATED AT 3684 S. BIG HOLLOW DRIVE LOCATED IN P160 ZONE, RECOMMENDATION FROM PLANNING COMMISSION.

Wasatch County had previously recorded three 5-acre lots in the P160 zone. The Nilssons own lot #1, the lowest of the three. Mr. Nilsson presented a plot

plan for a home he is building. He has owned the lot for 10 years. Construction plan is currently underway on the property as a legal nonconforming lot in Daniel. Council member Bateman suggested the Town initiate a rezone of the property at a later date and let the building continue at this time. ***Council member Blotter moved to let Mr. Nilsson continue on building at this time, seconded by Council member Glodowski. Aye votes were received by Council members Blotter, Bateman, Glodowski and Turner with an abstention by Mr. Bunker.*** Council member Bateman added that the building must comply with the current P160 requirements in the Town's code. ***Mr. Blotter added to his motion that the building must comply with all building codes of the Town of Daniel. Mr. Glodowski reseconded the motion. The vote remained aye votes from Glodowski, Blotter, Bateman, and Turner, with an abstention from Mr. Bunker, as the Planning Commission did not make a recommendation on the particular lot.***

- c) CONSIDERATION OF RECOMMENDATIONS BROUGHT FORTH BY THE PLANNING COMMISSION: PLANNING DIRECTOR BUNKER LETTER RE: NON-COMPLIANCE OF TOWN CODE, AND DRAFT AGRICULTURE PERMIT SUBMITTED BY COMMISSIONER WEIGHT

Council member Bunker stated the Planning Commission recommended the Council adopt the two letters. The agricultural permit requirements vary from county to county within the state, and Mayor Turner suggested the Council not take action at this meeting and discuss this further at the next meeting. ***Council member Bateman moved that the Council continue the discussion on the two letters until the May meeting. The motion was seconded by Council member Blotter. The motion passed by the following vote: Turner, aye; Glodowski, aye, Blotter, aye; Bateman, aye; Bunker, aye.***

Planning Commissioner Bunker stated he has received numerous calls on lots which the Council is going to have to consider whether they're buildable as they currently sit, as they are not five acres. Inquiries have been made on the Charles Schultz property on 3000 South. Mr. Bunker stated a lot owner needs to produce to the Council a lot of record or other documentation showing it is a legal lot created by Wasatch County. Gary Walton commented that this lot was probably approved by the county at the same time as the Dixon lot next to it, as both lots butt up against the Weight property to the south. Ryan Taylor suggested perhaps the Council could take the position if Mr. Schultz does produce a lot of

record, or comparable documentation, he could pursue sale of the property as buildable without waiting for the Council to meet on the issue again in May.

Council member Blotter moved that if the owner can produce a lot of record for the lot, they can move forward. Council Bunker stated production of a zoning certificate does not have the same meaning and it must be a document called a Lot of Record. Recorder Lynne Shindurling volunteered to contact Charles Schultz, the owner of the lot in question, to request production of the Lot of Record. Mayor Turner asked for and received a second on the motion. Aye votes were received from Glodowski, Blotter, Bateman and Turner, with a nay vote from Council member Bunker. The motion carried.

At this point discussion concerning Daniel Municipal Water Company ensued, though it was not on the agenda. Ryan Taylor explained Epic Engineering has done GIS mapping on the water system which is available and can be viewed through Google Earth. It shows the valves and fire hydrants, and the intention is to add irrigation valves at a later time. There is an app available for the smart phones so the information is available remotely. He explained the model is not exact but is a work in progress and will get better over time.

Council member Bunker stated he blue staked the lines for Heber Light & Power as they were replacing poles on Daniel Road. They eventually signed a release and purchased an excavation permit from the Town. Mr. Bunker suggested it is time for the Town to join the Blue Stakes organization to eliminate liability if lines are hit. Mr. Taylor stated that it is simply a notification service but well worth the cost if a line is hit during excavation. Blue Stakes makes contact with the necessary companies whose lines are buried and notifies the Town when the excavation is to take place. Merry Duggin stated the Council can act administratively on the matter of joining at this point and continue with the discussion further at the next Council meeting. Mr. Bunker is going to contact Blue Stakes and get the specifics.

At this point, matters not on the agenda were addressed. Roger Pearson, who lives at 312 Little Sweden Road, came forward to inquire of the Council when and how a decision was made by the Town of Daniel to perhaps get involved in a lawsuit and the public's involvement in such. Mayor Turner informed him that noticed public hearings had been held over some time, and the Town Council

voted to appropriate funds for legal representation to protect the health and safety of the Town's residents. Past Council minutes are available for review if he wants to research the issue. Mr. Pearson stated that 40% of shareholders would not be affected if the Town didn't pay for the lawsuit. Mrs. Duggin informed him the recourse since the public hearings have been held and the decision made is referendum. At this point the Town has a fund set up to fund the lawsuit, not to affect its residents in a monetary way. The initial step is to file a Declaratory Judgment with the court. Council member Blotter stated though the Daniel Irrigation Company shareholders would appear to benefit more than the Townspeople taken as a whole, the Town is supporting the irrigation company, as all residents stand to benefit greatly by having the cleaner Jordanelle water delivered to their properties.

Mr. Deegan congratulated the Council for "holding school" on the issue again for a newer resident and appreciates the professional manner in which the Council operates. Gary Walton stated that the water shares in the irrigation company are certainly worth more when the water at issue is out of the Jordanelle and not sewage effluent water.

Council member Bunker informed the Council that Don Robertson has a posting in the Wasatch Wave regarding his request to annex his property located at approximately 2113 West 3000 South into the Town of Charleston and the protest period has started to run. Mayor Turner said he would call the Mayor of Charleston and Mr. Robertson personally to make sure they understand that services from Charleston may not be available to him on the east side of Highway 189. Mr. Deegan inquired if Mr. Robertson could remain in the county rather than joining either town, to which the Council replied yes. He must have his reasons for joining the Town of Charleston. The Town would have nothing to gain by protesting his annexation into Charleston. And if he had a need for water service from Daniel, it could be supplied at a rate higher than the customary Daniel resident.

Merry Duggin brought up an issue discussed at the last Heber City Council meeting regarding the Airport Advisory Board; also, the Jordan Special Services District financial woes and the County Council's possible involvement to rectify the situation, in an attempt to bring our Town Council up-to-date.

5) PRESENTATION BY LYNNE SHINDURLING, CLERK/RECORDER, OF THE 2013-2014 BUDGET UPDATE FOR THE THIRD QUARTER FY AND PRELIMINARY DISCUSSION OF 2014-2015 BUDGET

The third quarter review was presented to the Council by the recorder and a request made by Mayor Turner for all Council members to be thinking of what projects need to be included on next year's budget, as the tentative budget for FY 2014-2015 will be presented at the May 5th meeting. Council member Bateman inquired about DMW update regarding shutoffs to have taken place during the month of April. That subject will be addressed at the May 5th meeting as well.

6) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.

Clerk Lynne Shindurling presented the warrants. ***Council member Blotter moved to approve the warrants as presented. Council member Bateman seconded the motion. The warrants were approved by the following vote: Turner, aye; Bateman, aye; Bunker, aye; Glodowski, aye; Blotter, aye. The motion carried.***

7) ADJOURN

Council member Glodowski moved to adjourn. Council member Bateman seconded the motion, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 8:51 PM.

Lynne Shindurling,

Recorder